

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BONNY LOU BUZZELL HUTCHINS,)	
)	
Plaintiff)	
)	
v.)	1:16-cv-00281-JDL
)	
KIRK R. HOUSE, et al.,)	
)	
Defendants)	

ORDER ON MOTION TO AMEND

On July 29, 2016, after a review of Plaintiff's complaint in accordance with 28 U.S.C. § 1915, I concluded that Plaintiff had not stated an actionable claim, and thus I recommended the Court dismiss Plaintiff's complaint. (ECF No. 8.) In response to the recommended decision, Plaintiff filed a number of documents. (ECF Nos. 10, 11.) Although in at least one of the documents Plaintiff expressed her desire to object to the recommended decision, because the filings contained many more factual allegations than were included in the original complaint, the Court construed Plaintiff's submissions to be a request to amend her complaint.

Federal Rule of Civil Procedure 15(a)(1) permits Plaintiff to amend her complaint once as a matter of course within 21 days of service of the complaint. Because of the preliminary review and recommended decision, the complaint has not been served upon any Defendant. In accordance with Rule 15, therefore, Plaintiff's motion to amend is granted.

Insofar as the recommended decision addressed only the limited facts alleged in the original complaint, and because Plaintiff's amended complaint includes many additional factual allegations, I believe the withdrawal of the recommended decision is appropriate. Accordingly, I withdraw the recommended decision.

Because Plaintiff is proceeding in forma pauperis, a review of Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915 is warranted. The Court, therefore, will review Plaintiff's amended complaint to determine whether Plaintiff has alleged an actionable claim.

NOTICE

Any objections to this Order shall be filed in accordance with Fed.R.Civ.P. 72.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 19th day of August, 2016.